

ASSEMBLY BILL

No. 1433

Introduced by Assembly Member Huff

February 23, 2007

An act to amend Sections 1801, 1801.1, 1807, 12506, 12800.5, 12805, 12811, 12817, 13000, 13001.1, 13002, and 15315 of, and to repeal Section 12801.8 of, the Vehicle Code, relating to identification.

LEGISLATIVE COUNSEL'S DIGEST

AB 1433, as introduced, Huff. Department of Motor Vehicles: identification.

(1) Existing law allows certain documents to be submitted to the Department of Motor Vehicles by electronic transmission or other means approved by the department.

This bill would include specific identity source documents to be submitted in this matter.

(2) Existing law requires certain records of the department to be maintained for a specific number of years.

This bill would require electronic copies of identity source documents to be retained for a minimum of 10 years.

(3) Existing law requires the department, upon proper application, to issue driver's licenses and identification cards, in specified formats.

This bill would revise the format of driver's licenses and identification cards and would require, at a minimum, that the security features incorporated in the production of driver's licenses conform to the issuance standards prescribed in the federal Real ID Act of 2005 (Public Law 109-13).

The bill would include, as grounds to refuse to issue or renew a driver's license, commercial driver's license, or identification card,

instances in which the person has not terminated or is not in the process of terminating an identification card, driver's license, or commercial driver's license issued in another state, possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(4) Existing law authorizes the issuance of a temporary driver's license to a legal, nonimmigrant applicant valid for 90 days, and subject to an adjustment of the expiration period.

This bill would repeal that authority.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1801 of the Vehicle Code is amended to
2 read:

3 1801. (a) Whenever ~~any~~ a notice, report, statement, court
4 abstract, *identity source document*, or record is required to be
5 submitted to the department by this code, the document may be
6 submitted to the department by electronic transmission or other
7 means approved by the department.

8 (b) All records maintained by the department may be stored in
9 any feasible manner, including, but not limited to, any electronic
10 media or any other form of data compilation.

11 (c) Notwithstanding any other provision of law, the records
12 shall be deemed original documents and shall be admissible in
13 evidence in all administrative, quasi-judicial, and judicial
14 proceedings.

15 SEC. 2. Section 1801.1 of the Vehicle Code is amended to
16 read:

17 1801.1. (a) Notwithstanding any other provision of law, the
18 department may allow a person to submit ~~any~~ a document required
19 to be submitted to the department by using electronic media
20 deemed feasible by the department instead of requiring the actual
21 submittal of the original document.

22 (b) If a signature on a document is required by law in order to
23 complete a transaction, and the document is submitted
24 electronically, that signature requirement may be met by an
25 electronically submitted signature, if the department retains
26 information verifying the identity of the person submitting the
27 electronic signature.

1 (c) The department may establish minimum transaction volume
2 levels, audit and security standards, and technological requirements,
3 or terms and conditions, including methods of authentication for
4 electronically submitted signatures, it deems necessary for the
5 approval of this process.

6 (d) An electronically submitted document, once accepted by
7 the department, shall be deemed the same as an original document,
8 and shall be admissible in all administrative, quasi-judicial, and
9 judicial proceedings.

10 (e) *Electronic copies of identity source documents accepted in*
11 *conjunction with the requirements of this code shall be retained*
12 *for a minimum of 10 years.*

13 SEC. 3. Section 1807 of the Vehicle Code is amended to read:

14 1807. (a) The department is not required to maintain records
15 relating to drivers of motor vehicles after the records are, in the
16 opinion of the director, no longer necessary, except as follows:

17 (1) Records of convictions shall be maintained so long as they
18 may form the basis of license suspensions or revocations as prior
19 convictions or with other records of conviction constitute a person
20 a “negligent driver.”

21 (2) Records of convictions of violating Section 38301.3 shall
22 be maintained for seven years.

23 (3) *Electronic copies of identity source documents accepted in*
24 *conjunction with the requirements of this code shall be retained*
25 *for a minimum of 10 years.*

26 (b) Records that are not required to be maintained may be
27 destroyed with the approval of the Department of General Services.

28 SEC. 4. Section 12506 of the Vehicle Code is amended to read:

29 12506. (a) The department may issue a temporary driver’s
30 license to ~~any~~ a person applying for a driver’s license, to ~~any~~ a
31 person applying for renewal of a driver’s license, or to any licensee
32 whose license is required to be changed, added to, or modified.
33 Notwithstanding subdivision (b) of Section 12805, the department
34 may issue a temporary driver’s license to an applicant who has
35 previously been licensed in this state or in any other state, territory,
36 or possession of the United States, the District of Columbia, the
37 Commonwealth of Puerto Rico, or the Dominion of Canada,
38 notwithstanding that the applicant has failed the written
39 examination on the person’s first attempt.

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(b) A temporary license permits the operation of a motor vehicle upon the highways for a period of 60 days, if the licensee has the temporary license in his or her immediate possession, and while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a license. The temporary license is invalid when the applicant's license has been issued or refused.

(c) As used in this section, the term "temporary" license does not have the same meaning as the term "temporary driver's license" as used in Section 202 of Title II of Division B of Public Law 109-13.

SEC. 5. Section 12800.5 of the Vehicle Code is amended to read:

12800.5. (a) (1) A license shall bear a fullface ~~engraved picture or~~ digital photograph of the licensee.

(2) Notwithstanding any other provision of law, the department shall not, unless requested by the licensee, distribute or sell the licensee's ~~picture or~~ digital photograph or ~~any~~ information pertaining to the licensee's physical characteristics to any private individual, other than the licensee, or to any firm, copartnership, association, or corporation. This paragraph does not apply to ~~any~~ a private business entity that contracts with the department for the production of driver's licenses and identification cards, if the contract prohibits the unauthorized use and disclosure of the information.

~~(b) A license, including a temporary license issued pursuant to Section 12506, shall bear the following notice: "This license is issued as a license to drive a motor vehicle; it does not establish eligibility for employment, voter registration, or public benefits."~~

~~(c)~~

(b) The department may demand proof of age prior to the issuance of a license.

SEC. 6. Section 12801.8 of the Vehicle Code is repealed.

~~12801.8. (a) In the case of a legal, nonimmigrant driver's license applicant, the department shall issue a temporary driver's license, valid for 90 days, if the applicant has successfully completed the application and the related requirements for the issuance of a driver's license under this code, including subdivision (a) of Section 12805. If the United States Immigration and Naturalization Service is unable to verify the applicant's presence~~

1 before the temporary driver's license expires, the department shall,
2 at least 15 days before the temporary driver's license expires,
3 extend the temporary driver's license for an additional 120 days
4 and notify the applicant by mail that the temporary driver's license
5 is being extended.

6 (b) ~~If the department adjusts the expiration date of any driver's~~
7 ~~license issued pursuant to this code so that the date does not exceed~~
8 ~~the expiration date of a federal document submitted pursuant to~~
9 ~~subdivision (a) of Section 12801.5, the applicant may, upon receipt~~
10 ~~of a notice of renewal of the driver's license by the department~~
11 ~~sent prior to the expiration of the license, request an extension of~~
12 ~~the term of the driver's license by submitting to the department~~
13 ~~satisfactory proof that the applicant's presence in the United States~~
14 ~~has been reauthorized or extended under federal law. After~~
15 ~~verifying that the applicant's presence in the United States has~~
16 ~~been reauthorized or extended by federal law, the department shall~~
17 ~~adjust the expiration date of the driver's license so that it does not~~
18 ~~exceed the expiration date of the revised federal document~~
19 ~~submitted pursuant to subdivision (a) of Section 12801.5 and~~
20 ~~complies with the related requirements of this code.~~

21 (c) ~~On or before July 1, 1997, the department shall establish a~~
22 ~~procedure for receiving mailed requests for the extension of driver's~~
23 ~~licenses as described in this section.~~

24 SEC. 7. Section 12805 of the Vehicle Code is amended to read:
25 12805. The department shall not issue a driver's license to, or
26 renew a driver's license of, any person:

27 (a) Who is not of legal age to receive a driver's license.

28 (b) Whose best corrected visual acuity is 20/200 or worse in
29 that person's better eye, as verified by an optometrist or
30 ophthalmologist. No person may use a bioptic telescopic or similar
31 lens to meet the 20/200 visual acuity standards.

32 (c) Who is unable, as shown by examination, to understand
33 traffic signs or signals or who does not have a reasonable
34 knowledge of the provisions of this code governing the operations
35 of vehicles upon the highways.

36 (d) When it is determined, by examination or other evidence,
37 that the person is unable to safely operate a motor vehicle upon a
38 highway.

39 (e) Who is unable to read and understand simple English used
40 in highway traffic and directional signs. This subdivision does not

1 apply to any person holding an operator's or chauffeur's license
2 issued by this state and valid on September 11, 1957.

3 (f) Who holds a valid driver's license issued by a foreign
4 jurisdiction unless the license has been surrendered to the
5 department, or is lost or destroyed *has confirmation that the person*
6 *has terminated, or is terminating, that license.*

7 (g) Who has ever held, or is the holder of, a license to drive
8 issued by ~~another state, territory, or possession of the United States,~~
9 ~~the District of Columbia, or the Commonwealth of Puerto Rico~~ *a*
10 *foreign jurisdiction*, and that license has been suspended by reason,
11 in whole or in part, of a conviction of a traffic violation until the
12 suspension period has terminated, except that the department may
13 issue a license to the applicant if, in the opinion of the department,
14 it will be safe to issue a license to a person whose license to drive
15 was suspended by a state that is not a party to the Driver License
16 Compact provided for in Chapter 6 (commencing with Section
17 15000) of Division 6.

18 (h) Who has ever held, or is the holder of, a license to drive
19 issued by ~~another state, territory, or possession of the United States,~~
20 ~~the District of Columbia or the Commonwealth of Puerto Rico~~ *a*
21 *foreign jurisdiction*, and that license has been revoked by reason,
22 in whole or in part, of a conviction of a traffic violation, until the
23 revocation has been terminated or after the expiration of one year
24 from the date the license was revoked, whichever occurs first,
25 except that the department may issue a license to the applicant if,
26 in the opinion of the department, it will be safe to issue a license
27 to a person whose license to drive was revoked by a state that is
28 not a party to the Driver License Compact provided for in Chapter
29 6 (commencing with Section 15000) of Division 6.

30 (i) *As used in this section, "foreign jurisdiction" means another*
31 *state, territory, possession of the United States, the District of*
32 *Columbia, or the Commonwealth of Puerto Rico.*

33 SEC. 8. Section 12811 of the Vehicle Code is amended to read:

34 12811. (a) (1) (A) When the department determines that the
35 applicant is lawfully entitled to a license, it shall issue to the person
36 a driver's license as applied for. The license shall state the class
37 of license for which the licensee has qualified and shall contain
38 the distinguishing number assigned to the applicant, the date of
39 expiration, the true full name, age, *date of birth, gender,* and
40 mailing address of the licensee, a brief description and engraved

1 picture or photograph of the licensee for the purpose of
2 identification, and space for the signature of the licensee.

3 (B) Each license shall also contain a space for the endorsement
4 of a record of each suspension or revocation thereof *applicable*
5 *endorsements*.

6 (C) (i) The department shall use whatever process or processes,
7 in the issuance of ~~engraved or colored~~ licenses, that prohibit, as
8 near as possible, the ability to alter or reproduce the license, or
9 prohibit the ability to superimpose a picture or photograph on the
10 license without ready detection.

11 (ii) *At a minimum, the security features incorporated in the*
12 *production of licenses under clause (i) shall conform to the*
13 *issuance standards prescribed in Section 202 of Title II of Division*
14 *B of Public Law 109-13 and the regulations promulgated thereto.*

15 (2) In addition to the requirements of paragraph (1), a license
16 issued to a person under 18 years of age shall display the words
17 “provisional until age 18.”

18 (b) (1) The front of an application for an original or renewal
19 of a driver’s license or identification card shall contain a space for
20 an applicant to give his or her consent to be an organ and tissue
21 donor upon death. An applicant who gives consent shall be directed
22 to read a statement on the back of the application that shall contain
23 the following statement:

24 “If you marked on the front of the application that you want to
25 be an organ and tissue donor upon death, your consent shall serve
26 as a legally binding document as outlined under the California
27 Uniform Anatomical Gift Act. Except in the case where the donor
28 is under the age of 18, the donation does not require the consent
29 of any other person. For donors under the age of 18, the legal
30 guardian of the donor shall make the final decision regarding the
31 donation. If you want to change your decision to consent in the
32 future, or if you want to limit the donation to specific organs or
33 tissues, you must contact Donate Life California by mail at 1760
34 Creekside Oaks Drive, #160, Sacramento, CA 95833, or through
35 the World Wide Web at www.donateLIFeCalifornia.org, or
36 www.doneVIDAcalifornia.org.”

37 (2) Notwithstanding any other provision of law, a person under
38 age 18 may register as a donor. However, the legal guardian of
39 that person shall make the final decision regarding the donation.

1 (3) The department shall collect donor designation information
2 on all applications for an original or renewal driver's license or
3 identification card.

4 (4) The department shall ~~print the word "DONOR" or another~~
5 *place an* appropriate designation on the face of a driver's license
6 or identification card *issued* to a person who registered as a donor
7 on a form ~~issued pursuant to~~ *prescribed under* this section.

8 (5) On a weekly basis, the department shall electronically
9 transmit to Donate Life California, a nonprofit organization
10 established and designated as the California Organ and Tissue
11 Donor Registrar pursuant to Section 7152.7 of the Health and
12 Safety Code, all of the following information on every applicant
13 that has indicated his or her willingness to participate in the organ
14 donation program:

15 (A) His or her true full name.

16 (B) His or her residence or mailing address.

17 (C) His or her date of birth.

18 (D) His or her California driver's license number or
19 identification card number.

20 (6) (A) A person who applies for an original or renewal driver's
21 license or identification card may designate a voluntary
22 contribution of two dollars (\$2) for the purpose of promoting and
23 supporting organ and tissue donation. This contribution shall be
24 collected by the department, and treated as a voluntary contribution
25 to Donate Life California and not as a fee for the issuance of a
26 driver's license or identification card.

27 (B) The department may use the donations collected pursuant
28 to this paragraph to cover its actual administrative costs incurred
29 pursuant to paragraphs (3) to (5), inclusive. The department shall
30 deposit all revenue derived pursuant to this paragraph and
31 remaining after the department's deduction for administrative costs
32 in the Donate Life California Trust Subaccount, that is hereby
33 created in the Motor Vehicle Account in the State Transportation
34 Fund. Notwithstanding Section 13340 of the Government Code,
35 all revenue in this subaccount is continuously appropriated, without
36 regard to fiscal years, to the Controller for allocation to Donate
37 Life California and shall be expended for the purpose of increasing
38 participation in organ donation programs.

1 (7) The enrollment form shall be posted on the Internet Web
2 sites for the department and the California Health and Human
3 Services Agency.

4 (8) The enrollment shall constitute a legal document pursuant
5 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
6 with Section 7150) of Part 1 of Division 7 of the Health and Safety
7 Code) and shall remain binding after the donor's death despite any
8 express desires of next of kin opposed to the donation. Except as
9 provided in paragraph (2) of subdivision (b), the donation does
10 not require the consent of any other person.

11 (9) Donate Life California shall ensure that all additions and
12 deletions to the California Organ and Tissue Donor Registry,
13 established pursuant to Section 7152.7 of the Health and Safety
14 Code, shall occur within 30 days of receipt.

15 (10) Information obtained by Donate Life California for the
16 purposes of this subdivision shall be used for these purposes only
17 and shall not be disseminated further by Donate Life California.

18 (c) A public entity or employee shall not be liable for loss,
19 detriment, or injury resulting directly or indirectly from false or
20 inaccurate information contained in the form provided pursuant
21 to subdivision (b).

22 (d) A contract shall not be awarded to a nongovernmental entity
23 for the processing of driver's licenses, unless the contract conforms
24 to all applicable state contracting laws and all applicable procedures
25 set forth in the State Contracting Manual.

26 ~~(e) This section shall become operative on July 1, 2006.~~

27 SEC. 9. Section 12817 of the Vehicle Code is amended to read:

28 12817. ~~A~~*Notwithstanding the requirements of Title II of Public*
29 *Law 109-13 or the regulations promulgated thereto, a California*
30 *driver's license held by any person who enters or is in the United*
31 *States-armed forces Armed Forces shall continue in full force and*
32 *effect so long as the service continues and the person remains*
33 *absent from this-State state, and for not to exceed 30 days following*
34 *the date on which the holder of-such that license is honorably*
35 *separated from such service or returns to this-State state, unless*
36 *the license is sooner suspended, canceled, or revoked for cause as*
37 *provided by law. The license is valid only when in the immediate*
38 *possession of the licensee while driving and the licensee has his*
39 *or her discharge or separation papers, if-he the licensee has been*

1 discharged or separated from the service, in his *or her* immediate
2 possession.

3 SEC. 10. Section 13000 of the Vehicle Code is amended to
4 read:

5 13000. (a) The department may issue an identification card to
6 any person attesting to ~~the true full name, correct age, and other~~
7 ~~identifying data as certified by the applicant for the identification~~
8 ~~card~~ *his or her true full name, age, date of birth, gender, and*
9 *mailing address, and who provides a brief description, submits to*
10 *a digital photograph, and signs the application.*

11 (b) Any person 62 years of age or older may apply for, and the
12 department upon receipt of a proper application therefor shall issue,
13 an identification card bearing the notation “Senior-Citizen”.
14 *Citizen.”*

15 (c) Every application for an identification card shall be signed
16 and verified by the applicant before a person authorized to
17 administer oaths and shall be supported by bona fide documentary
18 evidence of the age and identity of the applicant as the department
19 may require, and shall include a legible print of the thumb or finger
20 of the applicant.

21 (d) ~~Any~~ A person 62 years of age or older, and any other
22 qualified person, may apply for, or possess, an identification card
23 under the provisions of either subdivision (a) or (b), but not under
24 both of those provisions ~~subdivisions~~.

25 SEC. 11. Section 13000.1 of the Vehicle Code is amended to
26 read:

27 13000.1. (a) The department may refuse to issue or renew an
28 identification card to any person for any of the following reasons:

29 (1) The department determines that the person has knowingly
30 used a false or fictitious name in any application.

31 (2) The department determines that the person has impersonated
32 another in making an application.

33 (3) The department determines that the person has knowingly
34 made a false statement, knowingly concealed a material fact, or
35 otherwise committed any fraud on any application.

36 (4) *The person has not terminated or is not in the process of*
37 *terminating an identification card issued by another state, territory,*
38 *or possession of the United States, the District of Columbia, or*
39 *the Commonwealth of Puerto Rico.*

1 (b) The department may declare an identification card invalid
2 upon any of the grounds specified in subdivision (a) as reason to
3 refuse to reissue or renew an identification card. The holder of an
4 identification card that has been declared invalid shall surrender
5 the identification card to the department.

6 SEC. 12. Section 13002 of the Vehicle Code is amended to
7 read:

8 13002. (a) Except as otherwise provided in subdivision (b),
9 every identification card shall expire, unless canceled earlier, on
10 the sixth birthday of the applicant following the date of application
11 for the identification card. Renewal of any identification card,
12 other than a senior citizen identification card, shall be made for a
13 term which shall expire on the sixth birthday of the applicant
14 following expiration of the identification card renewed, unless
15 surrendered earlier. Any application for renewal received after 90
16 days after expiration of the identification card, including a senior
17 citizen identification card, shall be considered the same as an
18 application for an original identification card. ~~The department~~
19 ~~shall, at the end of six years and six months after the issuance or~~
20 ~~renewal of an identification card, other than a senior citizen~~
21 ~~identification card, destroy any record of the card if it has expired~~
22 ~~and has not been renewed.~~

23 (b) Every senior citizen identification card issued pursuant to
24 subdivision (b) of Section 13000 shall expire, unless canceled
25 earlier, on the ~~10th~~ *eighth* birthday of the applicant following the
26 date of application for the identification card. Renewal of any
27 senior citizen identification card shall be made for a term which
28 shall expire on the ~~10th~~ *eighth* birthday of the applicant following
29 expiration of the senior citizen identification card renewed, unless
30 surrendered earlier. ~~The department shall, at the end of 10 years~~
31 ~~and six months after the issuance or renewal of a senior citizen~~
32 ~~identification card, destroy any record of the card if it has expired~~
33 ~~and has not been renewed.~~

34 (c) An identification card may be issued to a person in exchange
35 for the person's driver's license which is surrendered to the
36 department for either of the following reasons:

37 (1) The person has a physical or mental condition and requests
38 cancellation of the driver's license.

39 (2) The department has revoked the person's driving privilege
40 based on the person's physical or mental condition.

1 That card shall be issued without the payment of any additional
2 fee.

3 (d) (1) Notwithstanding subdivisions (a) and (b), the department
4 ~~may shall~~ adjust the expiration date of ~~any an issued~~ identification
5 card ~~issued pursuant to this code so that the date does not exceed~~
6 ~~the expiration date of a document submitted pursuant to subdivision~~
7 ~~(a) of Section 12801.5, so that the date of expiration does not~~
8 ~~exceed the expiration date indicated on the federal identity~~
9 ~~document, or one year if the federal document does not contain~~
10 ~~an expiration date.~~

11 (2) As used in paragraph (1), a “federal identity document”
12 means a document listed under clause (v) to (ix), inclusive, of
13 subparagraph (B) of paragraph (2) of subsection (c) of Section
14 202 of Title II of the REAL ID Act of 2005 (Public Law 109-13).

15 SEC. 13. Section 15315 of the Vehicle Code is amended to
16 read:

17 15315. (a) The department shall not issue a commercial
18 driver’s license to a person during a period in which the person is
19 prohibited from operating a commercial motor vehicle, or the
20 person’s driving privilege is suspended, revoked, or canceled.

21 (b) ~~No~~ A commercial driver’s license ~~may shall not~~ be issued
22 to a person who has a commercial driver’s license issued by any
23 other state unless the person first surrenders the commercial
24 driver’s license ~~issued by the other state, which license shall be~~
25 ~~returned to the issuing state to the department.~~

26 (c) *The department shall not issue a commercial driver’s license*
27 *to a person without first confirming that the person has terminated*
28 *or is in the process of terminating a driver’s license issued by*
29 *another state, territory, or possession of the United States, the*
30 *District of Columbia, or the Commonwealth of Puerto Rico.*